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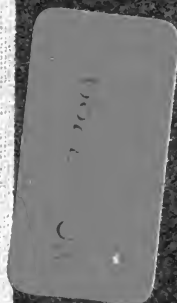
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THE CLEVELAND SURVEY OF THE ADMINISTRATION OF CRIMINAL JUSTICE

BY

LEONARD P. AYRES

VICE-PRESIDENT, THE CLEVELAND TRUST COMPANY

AN ADDRESS

DELIVERED BEFORE THE CITY CLUB OF CLEVELAND, FEBRUARY 18, 1922

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The
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ECONOMIC REPORTS

**PRICE CHANGES AND BUSINESS
PROSPECTS**

**THE AUTOMOBILE INDUSTRY
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**CLEVELAND FOUNDATION
REPORTS**

**THE CLEVELAND SURVEY OF
THE ADMINISTRATION OF
CRIMINAL JUSTICE**

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FOREWORD

This account of the Cleveland Survey of the Administration of Criminal Justice is an attempt to present in a few pages the more important findings contained in the extensive reports of the survey published by the Cleveland Foundation. The writer is individually responsible for the interpretation that is presented here. This summary has borrowed freely from the survey reports, and in places utilizes entire passages taken from them. It is not a completely original production. It is merely the result of an attempt to condense, summarize, and interpret.

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THE CLEVELAND SURVEY
OF THE ADMINISTRATION OF CRIMINAL
JUSTICE

Cleveland knows itself better than does any other American city. It has the survey habit. Six years ago it carried through the most extensive study of its public school system that has ever been made in this country. Two years later it made a survey of provisions for recreation that has never been equaled elsewhere in care and thoroughness. After that came a survey of health that investigated and reported on a wide range of conditions affecting the physical well-being of its citizens.

After the completion of each of these studies changes of administration and procedure were brought about that greatly increased the efficiency of the work done in Cleveland in the public activities that had been studied. No one would claim that all the improvements that followed the surveys were directly caused by them. What the surveys have really done in each case was to bring into existence a body of informed public opinion so aroused as to grapple with the city's problems and to crowd them to solution.

During 1921 Cleveland has studied its courts, its police, and all its procedures for the administration of justice. This work was undertaken because conditions that had long been troublesome had suddenly become intolerable. Cleveland decided to take action with regard to the treatment of crime and criminals, and the action taken was to invite the people most wise in these matters, that could be found outside the city, to come and make an impartial study of problems and conditions.

Cleveland had its full share of the violent lawlessness that accompanied the exuberant prosperity of the war years. There was a long series of daring hold-ups, some particularly atrocious

pay-roll killings, and a sensational murder case in which the chief justice of the municipal court was tried for the crime.

In the fall of 1920 public patience became exhausted and demanded a thoroughgoing reform. The Mayor of the city, the Bar Association, the Chamber of Commerce, the Welfare Association, the Federation of Women's Clubs, and other organizations petitioned the Cleveland Foundation, which had conducted the surveys of education and recreation, to make a study of the administration of criminal justice in Cleveland.

The work began early in 1921 and was continued by the Foundation during an entire year. It was directed by Dean Roscoe Pound and Professor Felix Frankfurter, of the Law School of Harvard University. They brought to their assistance the ablest authorities they could secure for the study of the police, the courts, the prosecutors, the correctional institutions, and other phases of their problem. They were assisted by a local advisory committee under the chairmanship of Mr. Amos Burt Thompson, and by the members of the permanent staff of the Foundation. The enterprise cost some \$50,000 and the expense was defrayed by the Cleveland Foundation.

Ten outside specialists were brought to the city to carry on the work, and in each case the man chosen was a recognized authority of national standing in his particular field. They were selected because it was believed that they represented the highest degree of impartial skill and competence that could be secured for the work that was undertaken. They were aided by some twenty-five assistants and associates of their own selection, so that the entire force of the survey included about thirty-five people, in addition to numerous local and volunteer workers.

At the conclusion of a year spent in investigation and the formulation of findings, the survey has submitted reports aggregating some 800 pages of printed material, and containing more than 200 sets of recommendations. A study of this mass of material leads to the conclusion that there are three groups of officials who constitute, in conjunction with their organizations,

the controlling factors in the administration of criminal justice in the city of Cleveland. They are the police, the judges, and the prosecuting attorneys.

POLICE

In 1920 Cleveland, with 800,000 population, had six times as many murders as London, with 8,000,000 population. In proportion to the number of their inhabitants murder is 60 times as common in Cleveland as in London. On the same basis robbery, or assault with intent to rob, is 170 times as prevalent in Cleveland as it is in London. There are more robberies and assaults to rob in Cleveland each year than in all England, Scotland, and Wales put together. Such comparisons between Cleveland, on the one hand, and European cities, on the other, could be almost indefinitely extended. Crime in Cleveland far exceeds in volume that of European cities of similar or greater size.

If Cleveland is compared with other American cities it does not make an especially bad showing. Its murder rate for 1920 was below that of St. Louis and Washington and far below those of most of the larger cities of the south. It was, however, 50 per cent higher than the average rate for 31 larger American cities, and more than twice as high as those of New York, Boston, and Philadelphia. It has been growing worse over the past ten years.

In general, crime conditions are no worse in Cleveland than in many other American cities. It is when conditions here are compared with those abroad that the ominous contrasts are seen. The prevalence of violent crime is an American problem rather than one peculiar to Cleveland. Nevertheless, even on American standards, conditions in this city are such as urgently to demand improvement. Insurance rates against burglary and theft are an infallible barometer of criminal conditions, and the rates now current in Cleveland are equaled in only eight other counties of the United States and exceeded in none. Rates in New York are lower. Again automobile theft rates for

Cleveland are the highest in the state, and six times as high as in some of the other cities of Ohio.

Most of these comparisons are taken from the survey report on Police Administration, written by Mr. Raymond B. Fosdick, who is perhaps America's best-known authority on police problems. He is author of standard volumes on the Police Systems of European and American cities.

Leadership is the greatest need of Cleveland's police system according to Mr. Fosdick's report. In this city the police system is administered as a part of the Department of Public Safety, which also includes the Fire Division and the Building Division under a single executive head. This arrangement is undesirable, for the police system has little in common with the two other departments included with it, and the Director of Public Safety, who is in charge of all of them, is unable to give to police problems the undivided attention and trained skill that they demand.

The resulting confusion and lack of definiteness with regard to authority and responsibility further complicate the administration of police work in Cleveland. The Chief of Police is appointed by the Mayor, but the rank and file of the force are appointed by the Director of Public Safety. They can be suspended only by the Chief, but in case they are they must be tried by the Director. However, his authority is not final, for appeal may be made from his decision to the Civil Service Commission, which may, and frequently does, overrule the Director. Assignment of police officers is made by the Chief but only under rules formulated by the Director. The control of all officers employed in the administration of the division is exclusively in the hands of the Director. The result of this indefiniteness of authority and responsibility is that no one can tell where the authority of the Chief leaves off and that of the Director of Public Safety begins. Indeed, in practice the division of authority between the Mayor, and the Civil Service Commission, and the Director of Public Safety, and the Chief of Police is so involved and uncertain a matter that it shifts to and fro accord-

ing to the adroitness and strength of determination of the individuals holding the different positions.

The system of police administration in Cleveland is one in which the Director has legally the power to make all the really important decisions, but is prevented by law from establishing direct and continuing contact with the actual administration of the police work. He is, moreover, in a position where he can at every turn be over-ruled by the Mayor or the Civil Service Commission and is in danger of being thwarted by the Chief.

This whole scheme encourages "passing the buck" when there is public criticism. There is no official in Cleveland's police system to whom the community can say, "Thou art the man," and who has power corresponding with his responsibilities. What the system needs is leadership. The quality of work done by the police system will always be largely determined by the leadership that controls it. It is true here, as in every other form of human organization, that the character of the whole is largely determined by the man at the head. The recommendation of the survey is that the division of police should be constituted in a separate department, that it should be put in charge of a single executive, chosen if need be from outside the city, and that the authority of the Civil Service Commission to reverse the decisions of the Director should be done away with. The survey recommends that the police system should be so reorganized as to make authority and responsibility clear and definite, and to place at the head the best qualified man that can be found, giving him ample power and holding him fully responsible for results.

The sections of Mr. Fosdick's report dealing with organization and leadership constitute the central portion of his study. There are two other principal matters with which he deals. The first of these is personnel. The police force of the city consists of about 1,400 men selected by the Civil Service Commission from the applicants who apply for positions. In the main they are unskilled or semi-skilled workers in mechanical trades and are from 25 to 30 years of age. There is a large

turnover of employment in the force with about one-quarter of the new recruits leaving during their first year of service and half of them within four or five years. Because of this the force always includes a large proportion of inexperienced men. Since most of the resignations do not result from dismissals, or because charges are pending, it seems fair to infer that the force always includes a large proportion of dissatisfied men. These conditions are attributed by the survey largely to the ineffective methods of recruiting the force through the work of the Civil Service Commission.

Mental examinations of the officers and men of the police force were conducted by the survey with results that are depressing in so far as the main body of men is concerned, and startling in their findings with regard to the detectives. The examinations were made by means of the United States Army Alpha tests for mental ability. They indicate that of every 100 policemen and officers, there are about 17 of superior intelligence and perhaps 63 of average intelligence, and that the remaining 20 are of distinctly inferior mentality. This means that about two men out of ten possess only the degree of intelligence that would be found among boys of 13 years of age or younger.

The case of the detectives is much worse than this. They rank mentally at the very bottom of the different groups in the police force. The officers, the patrolmen, the mounted police, the traffic police, and all the other groups show higher degrees of mental ability than do the detectives. No one of the entire 63 men in the detective force was shown by the mental tests to have very superior intelligence, although nearly 4 per cent of the entire body of police were in that highest classification. Some 24 per cent of them, or nearly one in four, were shown to possess grades of intelligence which would be rated by the army as inferior. This means that they had the mentality of boys of from 9 to 13. Only three in the entire group of 63 were rated above a high average of mental ability. The survey recommends the entire reorganization of the detective force, and that

a complete change in the method of selecting its members be made.

The third group of problems treated by Mr. Fosdick relates to the modernization of police methods both within the offices and in the outdoor work. Better record systems, modern office methods, and the elimination of duplicate effort are all discussed and advocated. In the matter of field work it is pointed out that a motorized age demands that police patrolling be done in automobiles instead of on foot. Other cities are doing this, and they have demonstrated that greatly increased efficiency results from it.

Crime prevention should be developed in the Cleveland department, and efforts directed toward eliminating conditions that produce crime, rather than to giving almost exclusive attention to dealing with crimes after they have already been committed. As a part of such work, a policewoman's section should be organized, as it has been done in every other city of America of more than half a million population. Crime prevention should be developed in our communities with as much care and energy as has already been devoted to fire prevention and preventive medicine.

Success in any difficult enterprise depends on leadership, sound organization, and an able working force. These are what the survey recommends for the police. The methods by which they may be attained are described, and each recommendation made has already been put into effect in other American cities with successful results.

COURTS

The section of the survey dealing with the courts was prepared by Mr. Reginald Heber Smith, author of "Justice and the Poor," and his associate, Mr. Herbert B. Ehrmann. In their long and thorough report there are three aspects of the situation which emerge as of special importance. The first of these is the group of problems relating to the judges themselves.

In Cleveland there are 22 judges of the Municipal Court and

the Court of Common Pleas, elected by popular vote for six year terms. Competition for the positions is keen and the judge who would retain his position through re-election must secure votes. The methods by which this is done are reviewed at length in the survey.

Perhaps the best summary of them is in a statement by one of the judges who says, "In order properly to play the game, it is necessary for a judge to attend weddings, funerals, christenings, banquets, barbecues, dances, clam-bakes, holiday celebrations, dedications of buildings, opening nights, first showings of films, prize fights, bowling matches, lodge entertainments, church festivals, and every conceivable function given by any group, national, social, or religious." Some of the judges have a reputation for "handshaking" nearly every night in the week. An even worse feature is the intensifying of racial, religious, and class appeals. A man is nominated or elected because he is a Pole, a Jew, an Irishman, a Mason, a Protestant, a union man, or a Catholic.

In calling attention to the methods to which judges in Cleveland must resort in order to retain their positions, Messrs. Smith and Ehrmann appear to have pointed out the underlying causes of the growing dissatisfaction with the courts. The trouble is not that the judges are suspected of being susceptible of bribery, for it is the nearly universal testimony of those whose opinion may be valued in the matter that they are incorruptible so far as money considerations are involved. The situation is summed up in the nearly universal comment that the judges are generally above the suspicion of taking direct money bribes, but find it difficult to forget the coming election.

The result has been a cheapening of the judicial office so that the bar, the press, the public, and the judges themselves no longer respect it. In summing up opinions secured from a large number of the lawyers of Cleveland, the survey characterizes the bench of the Court of Common Pleas as wanting in fine traditions, without dignity, and lacking independence of thought and action. It then goes on to describe the personnel

of the municipal bench as, on the whole, at the time of the survey, inferior in quality and ineffectual in character.

Unfortunately these are not the mere hasty generalizations of outsiders who have viewed the local situation with superficially cynical criticism. They are summarizations of opinions gathered from responsible Cleveland lawyers who are full of reverence for the bench as an institution, and desire to see it restored to its historic dignity. They are bolstered up in the survey report by scores of pages of carefully presented evidence.

The recommendation made for remedying the situation is that judges should be elected for a short first term, but if re-elected, then for progressively longer terms. Judges standing for re-election should not run against other candidates, but against their own records. The single question settled by the voters should be "Shall this judge be retained?" If the judge is defeated, his successor would be chosen at the next succeeding election.

LOOPHOLES IN THE LAW

The second salient feature of the report on the courts is its description of the delays and evasions by which legal penalties are avoided. There are about 19 different methods by which the man who commits a crime in Cleveland may escape paying the penalty for it if he is properly guided by one of the professional, political, criminal lawyers who make that their business.

Mr. John W. Love, one of the members of the staff of The Cleveland Foundation, has speculated on what would have happened to Ali Baba's forty thieves if he had brought them to Cleveland and had them arrested by the police instead of dealing with them himself. Data gathered by the survey, giving facts as to the disposition of 4,500 felony cases begun in 1919, furnish a basis by which this question can be answered. The figures are presented in the following table, which is based on the assumption that all the forty thieves were guilty of the offenses for which they were arrested. This would not be true in the cases of all persons arrested for felonies.

MORTALITY TABLE SHOWING WHAT WOULD HAPPEN TO ALL
BABA'S FORTY THIEVES IF ARRESTED IN CLEVELAND. DATA
BASED ON 4,500 FELONY CASES BEGUN IN 1919

	Number	Number remaining
Arrested	40	..
Released by police	5	35
Nolled or no papered	8	27
Discharged, dismissed, or guilty of lesser offense	8	19
No billed by Grand Jury	6	13
Bail jumped, case disappeared, or other disposition	1	12
Found not guilty	2	10
Plead guilty	8	2
Found guilty	2	..
Of the 10 pleading or found guilty		
Sentence suspended	3	..
Sentence at least partly executed	7	..

The report presents many pages of tabular material showing how persons charged with crime succeed in escaping the clutches of the law. Included among these is a series of records drawn from the files of The Bureau of Criminal Identification of the Cleveland Division of Police and showing how habitual criminals successfully work the Cleveland system for weak spots. These records show that within the space of ten years the same person can be before the courts from 10 to 18 times charged with such crimes as robbery, burglary, larceny, and assault and can escape at least half of the time by discharge on preliminary examination, no bill, nolle, plea of guilty to lesser offense, or suspended sentence, with no records showing who is responsible or why the action was taken. Such a system is nothing short of an inducement to professional crime.

Such facts illustrate the weakness of the procedure in the criminal courts. There are too many steps in the process, too many weak links in the chain, too many leaks through which the guilty escape, and too many possibilities that the innocent may suffer. Moreover during the past half dozen years conditions have been getting worse. While the population of the city increased 25 per cent, the arrests for serious crime went up

122 per cent, the number of nolle in the Common Pleas Court increased 506 per cent, and the number of trials with acquittals 600 per cent.

In addition to the ways out that have been suggested as available to the man who has been charged with a crime or misdemeanor there remain still others that may be utilized even after he is found guilty and sentenced. Chief among these are the mitigated sentence and the suspended sentence.

In Cleveland more than a fourth of the sentences are suspended after they have been pronounced, and nearly another fourth are mitigated, which means, in the case of fines, that they are cut down to about 50 per cent of the original amount imposed. In the remaining half of the cases, still further opportunities for avoidance of penalty are afforded through parole, new trials, pardons, and escape.

The survey recommends means for simplifying the entire procedure, reducing the number of steps in the process, and stopping the leaks. The indiscriminate nolle prosequing, the repeated continuing of cases until witnesses have disappeared, the granting of new trials for purposes utterly distinct from the solemn purpose for which the right to new trial was embodied in our law, and the granting of motions in mitigation are rapidly undermining public confidence in the integrity of the legal system.

A judge should impose sentence only after he has decided what is just, and when he has made his decision he should stick to it. A judge who sentences a man before he has made up his mind, and a judge who cannot make up his mind are both unfit for public office.

COURT ORGANIZATION

The third outstanding feature of the Smith-Ehrmann report consists of a series of recommendations that may well be grouped under the general heading of organization. The surveyors recommend that the Court of Common Pleas, which is the center of the local judicial system, be given a thoroughly

modern form of organization, with complete power to make its own rules of procedure under the supervision and leadership of a Chief Justice.

It should also be given complete jurisdiction over felonies by taking out of the Municipal Court the preliminary stages and hearings. This would at once eliminate the worst of the duplication that now exists in the present system.

Along with these changes should come the provision at once of decent and really suitable accommodations for the courts and their attendant offices. Several years ago the city voted money for the erection of a new jail and criminal court. The commission began work on the lake front and then asked for additional funds for the building through the sale of bonds. The voters have refused this request three times and the city has so far gained nothing but an excavation.

Some method must be found to remedy this situation. The present housing of the courts is not only a disgrace to the city, but an almost insuperable barrier to genuine reform of the administration of criminal justice in Cleveland. If some way could be found to make every voter attend one session of the Municipal Court the next proposal for the issuance of bonds to build the new court house and jail would carry. The present situation is intolerable.

With the new building there should come an entirely modernized system of clerks' records. When these come into existence, and not until then, it will become feasible to draw off and compile the controlling facts and tables through which a Chief Justice might really become an executive head of the courts. They would make available the information which the public have a right to have interpreted and put before them through court reports and the press.

In addition to these physical changes and administrative readjustments the survey recommends steps to curb the giving of perjured testimony which has become a common matter in the city. It further asks that the practice of jailing innocent witnesses because they cannot give bond be abandoned. It is

an indefensible abuse of power. Finally the survey recommends the establishment of an adequate probation staff, including medical advisers.

The recommendations concerning the courts that have been discussed under the three headings of the judges, the loopholes in the law, and court organization constitute only a limited portion of the ground covered by the surveyors in their careful and detailed study of the courts. They do however indicate the scope and intent of the work. The fundamental basis of the survey is that efficient courts must have sound organization, adequate quarters, and competent judges freed from the vexations of politics. These are what they recommend.

THE PROSECUTING ATTORNEYS

In the dingy old municipal court building at the corner of Champlain Avenue and West 6th Street, there are seven underpaid, politically-appointed men who do most of the work of administering criminal justice in Cleveland. These are the municipal prosecutors. They are appointed by the Director of Law, and change with the shifting political complexion of the city's administration.

These men sit in little box-like offices measuring seven by nine feet, and just large enough to hold a desk and an extra chair. To them come citizens of Cleveland who have some complaint to make of an alleged injury that they claim has been committed against them by some other citizen, and which they wish to have settled by the courts.

In an actual majority of cases these prosecuting attorneys hold a sort of informal court of conciliation in their own little cubby-holes of offices, and patch up the cases without ever sending them into the courts. The average case is finished in from two to three minutes whether it is disposed of without prosecution or sent on for court action.

This is the office in which the people of the city generally first come into contact with justice in operation. Here disposition is made of tens of thousands of complaints which do

not result in arrests, but are brought before the prosecutors and there discussed and disposed of. Moreover it is commonly true in cases where trials are held before the judges, that the accused, the witnesses, and those making the complaint for action go to the prosecutor's office before going into the court room.

The enormous bulk of work that these men do is carried on almost without organization or supervision. Persons having a complaint to make carry it to the court and judges through the prosecutors. There is no classification or segregation of cases. In general an Italian with a complaint will lay it before an Italian prosecutor. A Polish visitor will seek out a Polish assistant, and so on. There are no clerks, no stenographers, no messengers, and no office system or organization. The municipal prosecutor's office has no records, and no files, and no list of cases pending or passed.

Mr. Alfred Bettman, who prepared the survey's report on prosecution, has done a pioneer piece of work. Heretofore no thorough study of the work of the prosecutor's office in an American city has ever been made, and yet it seems clear that the police, the judges, and the prosecuting attorneys constitute together the three controlling factors in shaping the administration of criminal justice.

In Cleveland there are two sets of prosecuting attorneys. In the municipal court there are one chief and six assistants who do the work that has just been referred to. They receive salaries of from \$2,900 to \$4,000. In addition there is a county prosecuting attorney with seven assistants who are elected for terms of two years, and receive salaries ranging from \$3,000 to \$5,500. These officers represent the people when criminal cases are being dealt with. Criminal cases commonly originate in the municipal court in one of two ways. They are either brought to the office by private citizens having individual complaints, or they are brought in by the police. Such of them as are not settled by the prosecutors are passed on by them to the judges of the municipal court. When the hearing takes

place one of the prosecutors is present to represent the interests of the public. As he usually knows nothing about the case, his activities are likely to be limited to a routine question which he puts to the complainant, and which is, "What do you know about this case?"

If the case is sufficiently serious the judge sends it on to the Grand Jury, and unless no bill is found it goes on from there to the court of Common Pleas where it is once more taken up by the new set of prosecuting attorneys attached to that court. Here again the influence of the prosecutor's office is so great as to be one of the fundamentally determining forces in the entire process.

In the case of both the lower court and the higher one, the ultimate disposition of the case is largely in the hands of the prosecuting attorney. At the very beginning of the case in the municipal court, he may decide not to issue an affidavit, but to drop the matter at its inception. If the case is passed on to the court, he may drop it there by the process known as "No Papering." If he does not do that, he may enter a plea of "Nolle Prosequi," and so have it dropped. If it goes on to the Grand Jury, he may suggest that no bill be returned, and this suggestion will almost invariably be followed with the result that the case will be dropped. If the case goes on from the Grand Jury to the court of Common Pleas, these same opportunities are open to the new set of prosecuting attorneys in addition to the possibility of accepting a plea of guilt of a lesser offense than that originally charged, or the granting of a mitigation or suspension of sentence.

The prosecuting attorneys are powerful to the extent of having the controlling decisions in tens of thousands of cases involving the liberties, the reputation, and even the lives of citizens of Cleveland. It is clear that they are not as a group competent to exercise any such power as they do, and if they were, the conditions under which they are forced to work would still make it impossible for them to perform the duties that their positions should demand of them.

During the survey a letter was sent to each lawyer in Cleveland, who is a member of the local bar, asking among other things for opinions as to the caliber of the prosecuting attorneys then in office. Of the responses relating specifically to the prosecutors there were some 98 per cent which expressed the opinion that these officers as a group were lacking in the necessary ability and competence for the work demanded by their positions.

The situation can be remedied by securing better personnel, better office facilities, and better organization. These three elements of improved conditions must be secured in combination. No one or two of them will suffice. The need is for better physical equipment that will make it possible for abler people to proceed in a more orderly and systematic manner.

OTHER SURVEY REPORTS

In addition to the reports on the police, the courts, and the prosecutors, the survey has published a report on the correctional institutions, one on medical science in its relation to criminal justice, a study of legal education in the city, a study of the relation of the newspapers to the administration of justice, and a summary of the entire survey by its director, Dean Pound.

CORRECTIONAL AND PENAL TREATMENT

The report on the city's correctional institutions was prepared by Mr. Burdette G. Lewis, the State Commissioner of Institutions and Agencies in New Jersey. It carefully reviews conditions and offers recommendations with regard to penal institutions for adults, and correctional agencies for children. It deals in detail with probation, paroles, commutations, and pardons. In addition this report devotes an entire chapter to the proposed new building for the Criminal Court, the County Jail, and Police Headquarters.

In one sense this last chapter of Mr. Lewis' report is its most important section, for the crying need of better accommoda-

tions for Police Headquarters, the Municipal Court, and the Jail is the key log holding up the movement for any thoroughgoing reform in the administration of criminal justice in Cleveland.

Until better quarters are provided any great improvement in the police system will be exceedingly difficult to attain. So long as the Municipal Court is housed in its present utterly inadequate rooms its sessions will continue to be undignified, disorderly, noisy, and confused. And until better offices are provided the municipal prosecuting attorney and his assistants will continue to carry on what is perhaps the most important section of the city's judicial system under conditions that preclude efficiency and encourage crime.

MEDICAL SCIENCE

The contribution that medical science may bring to the problems of justice was discussed by Dr. Herman M. Adler, the State Criminologist of Illinois, who also demonstrated some of their possibilities by carrying through the intelligence survey of the Cleveland Police Force, and another of the inmates of the workhouse.

Dr. Adler made a careful report on problems relating to juvenal behavior in the schools, and in the courts that deal with young people who get into trouble. These are accompanied by recommendations and in a similar way the problems of mental and physical examinations of adult criminals were subjected to the most careful consideration.

In the course of his studies Dr. Adler brought to light a situation relating to the Coroner's office that demands attention. The coroner is an elected officer receiving fees but no salary. His duty is to determine the cause of death, where it occurs in a sudden or unexplained manner, and if it was caused by unlawful means, to fix the responsibility for the crime and name the perpetrator.

That the present system is inadequate is amply demonstrated by reading over a list of the causes of death in such cases

officially recorded by the previous coroner of the county during 1919. Some of the entries were as follows:

Could be suicide or murder
Believe strychnia used—named as suicide
Looks suspicious of strychnine poisoning
Found dead
Found dead in shanty
Head severed from body
Could be assault or diabetes
Found dead in alley—lobar pneumonia
Found dead
Found crushed
Could be diabetes or poison
Died suddenly after taking medicine
Found dead in bath room
Died suddenly
Loss of blood
Shock
Acute arsenical poisoning—accident

The foregoing were all cases in which no autopsy was performed. The report recommends that the office of coroner be abolished, and a law be enacted creating the office of chief medical examiner and providing for the employment of assistants.

LEGAL EDUCATION

Legal education was studied by Mr. Albert M. Kales of the Chicago bar, who calls attention to the problems arising from the deficient standards of the night law schools in which a large proportion of the lawyers of Cleveland receive their training. The recommendations made for improving the situation are conservative and of such a nature that they might be immediately put into effect.

SURVEY METHODS

In conducting this survey the Cleveland Foundation has used the methods that it developed during its surveys of education and recreation. The first step was to secure specialists of national standing to conduct the different studies. These men

brought to their task the insight that is the product of long, specialized study in their particular fields, combined with the disinterested, detached view of the outsider. They were given every facility of time and resources for careful and thorough investigation, and were accorded hearty co-operation by the local officials and the city and county employees.

After each report was completed in manuscript it was considered in a series of conferences participated in by the author of the report, the members of the Foundation Committee, the members of the local Advisory Committee, and in most cases by officials representing the office or activity being surveyed. At these conferences discussion was continued until there was agreement as to questions of fact and questions of form. The conclusions and interpretations were those of the surveyor but agreement as to facts had to be reached mutually by the outside specialists and the local people concerned.

This process of conference has resulted in mature deliberation concerning each fact presented and each recommendation offered. Some portions of the reports have been re-written three or four times before being sent to the printer. As a result of this method the findings of the survey deal largely with fundamental problems, rather than details, with the essential, rather than the incidental, and with what to do, rather than how to do it.

RESULTS

Some practical results from the survey work are already apparent although the survey itself is not as yet entirely completed. During January and February of 1922, the figures for murder and manslaughter in Cleveland show a decrease of nearly 50 per cent from the city's rate during 1920. Robbery has decreased by about 40 per cent and assault to rob by nearly 60 per cent. Among the more important crimes automobile stealing is the only one that shows an increase, and this is slight. It may be that these gratifying decreases are not related to the work of the survey and it is possible that the improvement they reflect will not be continued. Nevertheless, it seems probable

that there is some genuine relationship between the survey of crime and the decrease in crime, and there are reasons for believing that the improvements are not merely temporary.

As the survey drew to a close, the durable quality of the interest that had been aroused was manifested in the formation of The Cleveland Association for Criminal Justice. This is a joint effort of the more important organizations of the city that exist for the purpose of advancing the civic, social, and economic welfare of the community. The membership includes such organizations as The Bar Association, The Automobile Club, The Cleveland Chamber of Commerce, The Academy of Medicine, The League of Women Voters, and other groups of similar standing and importance having an aggregate membership of more than 50,000, and largely representative of the civic energy and initiative of the city. The new association has for its purpose to promote and secure an intelligent and efficient administration of criminal justice in Cleveland. It has raised a budget, opened offices, and secured an able, salaried, operating director. Already through the initiative of the new association an arrangement has been effected through which felony cases are now being taken directly from the police department to the office of the County Prosecutor and the Court of Common Pleas for immediate presentation to the Grand Jury, instead of passing through the Municipal Court as was the previous practice. This is one of the important reforms advocated by the survey. It will reduce duplication and greatly aid in decreasing the burden of work in the overcrowded Municipal Court.

Other important reforms are being actively considered and, through a recent action of the Bar Association, efforts are being made to reduce the elements of political competition involved in the election of judges. Again the judges of the Court of Common Pleas have undertaken or organize a probation system for that court. The newly appointed agents have already begun work, and there is every promise that a permanently useful office has come into existence.

Such facts as these give ground for the hope that real and fundamental improvements will take place as a result of the survey and that the reduction in crime that has already been observed will prove permanent and will be followed by further progressive decreases of the same sort.

The object of the survey was to make the entire system of criminal justice pass in complete review before the public eye. It made the courts and the public pay attention to each other. It presented the past, the present, and the possible. Its aim was to place before the citizens a picture of the police and the courts; a picture so accurate that it could not mislead, so simple that it could not be misunderstood, and so significant that it could not be disregarded.

The members of the survey staff are unanimous in their opinion that Cleveland genuinely desires efficient police and good courts and is determined to have them. This has not always been apparent in the past history of the city. Nevertheless no other conclusion can be reached by any one who studies conditions carefully enough to get under the surface of things and reach those subtler truths which concern the whole community, and constitute the materials for straight thinking about the situation.

Convincing evidence of community sentiment and aspiration is found in the hearty co-operation given the survey and the unusual and sustained interest in its findings. The spirit of self-examination is the product of general intelligence and community progress. Surveys attract slight and brief attention in cities where interest in civic welfare is dormant. Where social progress is most active, the movement for self-examination is most virile. That is why Cleveland has the survey habit.

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